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ANTONELLI, TERRY, STOUT & KRAUS, LLP			WENDMAGEGN, GIRUMSEW	
1300 NORTH SEVENTEENTH STREET				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/047,102	DATE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	GIRUMSEW WENDMAGEGN	2484	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 04 January 2011.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1 and 4-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 4-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments filed 1/4/2011 have been fully considered but they are not persuasive.

Regard to the Kobayashi reference, applicant argues that Kobayashi reference is IRRELEVANT to the present application because Kobayashi is directed to VIDEO program environment (as opposed to still picture environment). Examiner respectfully disagrees. Video program is made up of a group of still image. Kobayashi is relied on for the limitation "a first recording time at which the still picture data in the still picture group was recorded first and a last recording time at which the still picture data in the still picture group was recorded last in the still picture group management information". Kobayashi video program, which is made up of a group of pictures recording start time and recording end time is equivalent to the specified limitation. It is further noted that the teaching of recording the first recording time and last recording time of Kobayashi has similar application as to whether the signal is still pictures or video program.

Regard to the Miike et al reference applicant argues that, Miike et al, nowhere discloses or suggests any arrangement "said still picture group management information is provided SEPARATELY from any still picture management information containing management information for each still picture, and said still picture group management information has a data area for storing time data which specifies time information including ONLY a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a

picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device". However, Miike reference is relied on for the teaching of "selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time" and Mike does teach retrieving content based on recording start time and end time.

The combination of Matsumoto, Kobayashi and Miike meets the claimed limitations. Therefore the rejection is maintained.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim1, 4-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (US 5,796,428) in view of Kobayashi ( US 6,108,728) and Miike et al. (US 5,787,414).

Regarding claim1, 4, 5, 20, Matsumoto et al (hereinafter Matsumoto) discloses a method for playing back a storage medium storing still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing said still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than one, wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information has a data area for storing time data which specifies time information includes a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device (see fig. 11 for individual picture management information and fig.15 for group of picture management information, column20 line39-50; column3 line18-36 ) but does not teach the time information only includes a first and last recording time ; method comprising: receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device; comparing said predetermined time with said first and last recording times stored in said still picture group management information; and selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time.

Kobayashi discloses recording a first recording time at which the still picture data in the still picture group was recorded first and a last recording time at which the still picture data in the still picture group was recorded last in the still picture group management information (see fig.4, recording start time and recording end time; column8 line 50-67).

One of ordinary skill in the art at the time the invention was made would have been motivated to store only the first and last recording time information in still group management information as in Kobyashi in order to use the storage medium efficiently. However, Matsumoto and Kobyashi individually or in combination do not disclose selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time. Miike et al discloses selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time (see fig. 95, column47 line16-37; fig. 111; column49 line59-column50 line15).

One of ordinary skill in the art at the time the invention was made would have been motivated to search for images as in Miike in Matsumoto because it would allow the user to perform effective search for the desired image.

Regarding claim6, 7, 8, 21, 22, 23, Matsumoto discloses the method as claimed in claim 1, wherein said still picture data is non-movie still picture data, and wherein said

still picture group management information is non-movie still picture group management information (see column4 line45-46).

Regarding claim9, Matsumoto discloses a method for playing back a storage medium storing still picture data of plural still pictures stored in separate files, respectively, and still picture group management information for managing said still picture data of said plural still pictures as a still picture group, wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information has a data area for storing time data which specifies time information includes a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device (see fig. 11 for individual picture management information and fig.15 for group of picture management information, column20 line39-50; column3 line18-36 ) but does not teach the time information only includes a first and last recording time ; method comprising: receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device; comparing said predetermined time with said first and last recording times stored in said still picture group management information; and selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said

last recording time. Kobayashi discloses recording a first recording time at which the still picture data in the still picture group was recorded first and a last recording time at which the still picture data in the still picture group was recorded last in the still picture group management information; wherein said picture group management information excludes recording times of still pictures of said still picture group other than said first recording time of said earliest-recorded still picture and said last recording time of said latest-recorded still picture (see fig.4, recording start time and recording end time; column8 line 50-67).

One of ordinary skill in the art at the time the invention was made would have been motivated to store only the first and last recording time information in still group management information as in Kobyashi in order to use the storage medium efficiently. However, Matsumoto and Kobyashi individually or in combination do not disclose selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time. Miike et al discloses selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time (see fig. 95, column47 line16-37; fig. 111; column49 line59-column50 line15).

One of ordinary skill in the art at the time the invention was made would have been motivated to search for images as in Miike in Matsumoto because it would allow the user to perform effective search for the desired image.

Regarding claim10,12,14, 24, 25,26, Matsumoto discloses the method as claimed in claim 1, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device (see column7 line67-column8 line11).

Regarding claim11, Kobayashi discloses the storage medium as claimed in claim 4, wherein said picture group management information excludes recording times of still pictures of said still picture group other than said first recording time of said earliest-recorded still picture and said last recording time of said latest-recorded still picture (see fig.4, recording start time and recording end time; column8 line 50-67).

Regarding claim13, Kobayashi discloses the storage medium as claimed in claim 5, wherein said picture group management information excludes recording times of still pictures of said still picture group other than said first recording time of said earliest-recorded still picture and said last recording time of said latest-recorded still picture (see fig.4, recording start time and recording end time; column8 line 50-67).

Regarding claim15, Matsumoto et al (hereinafter Matsumoto) discloses a method for playing back a storage medium storing still picture data of plural still pictures stored in separate files, respectively, and still picture group management information for managing said still picture data of said plural still pictures as a still picture group,

wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information has a data area for storing time data which specifies time information includes a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device (see fig. 11 for individual picture management information and fig.15 for group of picture management information, column20 line39-50; column3 line18-36 ), wherein the data area is more specifically first and last recording time data areas, used to store the first recording time and the last recording time, respectively (see fig. 11 attribute data; fig.12).

but does not teach the time information only includes a first and last recording time ; method comprising: receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device; comparing said predetermined time with said first and last recording times stored in said still picture group management information; and selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time. Kobayashi discloses recording a first recording time at which the still picture data in the still picture group was recorded first and a last recording time at which the still picture data in the still picture group was recorded last in the still picture

group management information (see fig.4, recording start time and recording end time; column8 line 50-67).

One of ordinary skill in the art at the time the invention was made would have been motivated to store only the first and last recording time information in still group management information as in Kobyashi in order to use the storage medium efficiently. However, Matsumoto and Kobyashi individually or in combination do not disclose selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time. Miike et al discloses selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time (see fig. 95, column47 line16-37; fig. 111; column49 line59-column50 line15).

One of ordinary skill in the art at the time the invention was made would have been motivated to search for images as in Miike in Matsumoto because it would allow the user to perform effective search for the desired image.

Regarding claim16, 17, Matsumoto discloses the storage medium as claimed in claim 4, wherein the data area is more specifically first and last recording time data areas, used to store the first recording time and the last recording time, respectively (see fig. 11 attribute data; fig.12).

Regarding claim 18, 19, Matsumoto et al (hereinafter Matsumoto) discloses a method for playing back a storage medium storing still picture data of plural still pictures stored in separate files, respectively, and still picture group management information for managing said still picture data of said plural still pictures as a still picture group, , wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information includes a recording time data which specify recording times, all of the recording times still picture group management information consist of only a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device , and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device (see fig. 11 for individual picture management information and fig.15 for group of picture management information, column20 line39-50; column3 line18-36 ) but does not teach the time information only includes a first and last recording time ; method comprising: receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device; comparing said predetermined time with said first and last recording times stored in said still picture group management information; and selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time. Kobayashi discloses

recording a first recording time at which the still picture data in the still picture group was recorded first and a last recording time at which the still picture data in the still picture group was recorded last in the still picture group management information (see fig.4, recording start time and recording end time; column8 line 50-67).

One of ordinary skill in the art at the time the invention was made would have been motivated to store only the first and last recording time information in still group management information as in Kobyashi in order to use the storage medium efficiently. However, Matsumoto and Kobyashi individually or in combination do not disclose selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time. Miike et al discloses selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time (see fig. 95, column47 line16-37; fig. 111; column49 line59-column50 line15).

One of ordinary skill in the art at the time the invention was made would have been motivated to search for images as in Miike in Matsumoto because it would allow the user to perform effective search for the desired image.

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/  
Examiner, Art Unit 2484

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2484